

## **EXHIBIT 9**

### **DECLARATION OF JUDY CHIASSON, Ph.D.**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

ASHTON WHITAKER, a minor, by his  
mother and next friend, MELISSA  
WHITAKER,

Plaintiff,

v.

KENOSHA UNIFIED SCHOOL DISTRICT  
NO. 1 BOARD OF EDUCATION and SUE  
SAVAGLIO-JARVIS, in her official capacity  
as Superintendent of the Kenosha Unified  
School District No. 1,

Defendants.

Civ. Action No. 2:16-cv-00943

**Declaration of Judy Chiasson, Ph.D.**

I, Judy Chiasson, declare as follows:

1. My name is Judy Chiasson, Ph.D. I have been the Program Coordinator for the Office of Human Relations, Diversity, and Equity in the Los Angeles Unified School District (“LAUSD”) since 2005. The Office of Human Relations, Diversity, and Equity provides support services for fostering a safe and respectful district, school and community culture so that all students and staff can lead safe, purposeful and academically successful lives. I hold a Ph.D. in Urban Education from Claremont Graduate University. A true and correct copy of my C.V. is attached to this declaration as Exhibit A.

2. LAUSD is the second largest school district in the country, with 732,000 students attending more than 1,200 schools. According to a 2014 survey conducted by the Centers for Disease Control (CDC), approximately 1% of LAUSD secondary students, self-identify as transgender.

3. As Program Coordinator for the Office of Human Relations, Diversity and Equity, I am responsible for designing, implementing, and evaluating district-wide programs to reduce bullying, bias, and intergroup conflict. I oversee the design, adoption and delivery of evidence-based trainings to end bias, bullying, sexual harassment, and hazing among students and adults. I have developed resources for students, staff and parents on gender identity, student misconduct, and bullying. I also assess the schools' safety climate and conduct needs assessment by collecting and analyzing qualitative and quantitative data.

4. I have provided expert testimony before the California Senate and Assembly in support of LAUSD's positions on critical legislation, including the School Success and Opportunity Act of 2013 (AB 1266), a California state law clarifying that transgender students are entitled to use facilities consistent with their gender identity, and Seth's Law of 2012 (AB 9), a bullying prevention law based on gender identity, gender expression, and sexual orientation. I frequently represent LAUSD in print, radio and television media outlets on matters of inclusive education, bullying, and LGBTQ concerns. I have conducted over 50 media interviews on transgender inclusive policies and practices.

5. Prior to working as Program Coordinator in the Office for Human Relations, Diversity and Equity, I was the Project 10 Specialist in the Office of General Counsel's Educational Equity and Compliance unit at LAUSD. In that role, I responded to incidents of bias, discrimination, or access based on protected categories. Two separate instances of bias involving transgender students came to my attention, which prompted us to realize that LAUSD did not have formal guidelines in place for transgender students. We also noticed that our transgender students were having challenges at school, that they were disengaged from their classes and peers, and that their academics were suffering.

6. I was the primary author of LAUSD's first district-wide memorandum in 2004 that called for fully recognizing students' gender identity. In 2005, LAUSD adopted a formal policy requiring that transgender students be treated consistent with their gender identity in all aspects of their educational experience. The formal policy strongly recommended that schools grant transgender students full access to facilities that corresponded with their affirmed identity. Based on schools' overwhelming success in implementing that recommendation, we updated our policy in 2011 to require that transgender students have full access to facilities that match their gender identity. We have updated our policies for transgender students regularly to make them clearer and stronger. We last updated the policy in February 2014. A true and correct copy of LAUSD's current transgender student policy is attached as Exhibit B.

7. While we were initially drafting supportive guidance on transgender students, we definitely had our concerns. We asked ourselves whether we were creating unanticipated problems by adopting an inclusive policy. Ultimately, though, we decided that as educators, we needed to manage our fears, and show our transgender students the dignity and respect that they deserve. We would not require someone with a physical disability to use a separate facility because of any discomfort expressed by the staff or other students. This is the same thing. Our job as educators is to give our students the best academic opportunity we can provide, and we should never step back from that charge because of our own fears or discomfort.

8. Since LAUSD's formal policy on transgender students was first implemented, I have overseen the implementation of LAUSD's transgender-inclusive policy and none of our concerns have materialized. Our transgender students use restrooms and locker rooms, participate in gym class, play on sports teams and attend overnight field trips in a way that corresponds with their gender identity. We treat our transgender students – our transgender boys

and girls – like any other boys and girls, with the same rights, responsibilities, rules, and obligations. In the 11 years that we have had our policy, we have not had any problems with its implementation.

9. I describe our transgender-inclusive policy as solving problems, rather than creating them. Everybody is more comfortable. Transgender boys and girls want to be recognized and treated like all other boys and girls. Forcing a transgender boy to use the female facilities would be extremely uncomfortable for all parties involved. For example, we had a new student who was a transgender boy. He was using the female facilities, incorrectly assuming that he would be required to do so. It was equally uncomfortable for him to use the girls' facilities as it was for the girls in those facilities. When the administration learned of the situation, they told the young man that he could use the boys' facilities. Everyone was relieved by this solution.

10. Our transgender students use the bathrooms for the same reasons that all other students use the restroom: to do their business, fix their hair and make-up, and gossip with friends. Going to the bathroom as a group is very normative behavior for teenagers. We want our transgender students to be fully integrated into the community. We do not want our transgender students to be stigmatized and not have full access to school spaces and social opportunities.

11. While some transgender students request to use single-user, gender-neutral restrooms because they feel more comfortable there, more often transgender students want to be able to blend in just like any other boy or girl, using the same facilities as everyone else. We allow any student – not just transgender students – access to single-user facilities if they desire additional privacy for any reason. But it is important not to force any student, including transgender students, to use a facility separate from everyone else, which would send the

stigmatizing message that they are different from their peers and need to be kept apart from other students.

12. There have been no instances of disruption caused by the policy. Disruption occurs when people anticipate that a transgender-inclusive policy is going to be problematic. People's fears – frankly, primarily adult fears – are what are disruptive. Our experience has been that the fears of the adults have not played out. I have yet to be called into a situation to respond to an actual incident; I have only had to respond to fears, and the fears are unfounded.

13. One fear is that a person will pretend to be transgender to be predatory. But being transgender is persistent and consistent throughout the day. A student is transgender in all of their classes, outside of their classes and in their relationships at school. I have never had someone pretend to be transgender for nefarious reasons. It is implausible to think that a presumably male student is going to come to school for months on end, wear female attire, present as female to all of his friends and teachers, just so he can enter a female restroom. In the rare instances that students enter an inappropriate restroom, LAUSD addresses the conduct in the same way we would address other disciplinary issues.

14. Our policy treats all students with the dignity they deserve. A school should have an affirming environment where all students feel they are welcomed members of the community. Schools also need to model the respect that they want the students to demonstrate. In my experience, there's a strong, causal relationship between bias and bullying and bias is highly predictive of bullying. If our schools' actions reflect bias towards a group of students, we are going to see an increase in bullying of those students. On the other hand, when schools model support, the students emulate the supportive behavior and treat each other with greater respect.

15. In 2013, California's legislature passed the School Success and Opportunity Act (AB 1266), a law that clarifies that transgender students must be allowed to use facilities that match their identity. A true and correct copy of AB 1266 is attached as Exhibit C. Since that law took effect, school districts in California and across the country have contacted me to ask for advice about implementing their own transgender-inclusive policies. Those administrators often raise the same questions and fears we initially faced. However, I have learned that those districts have had the same success we have, and none of their fears materialized. On the contrary, those supportive policies have both improved the educational experience for transgender students and created a more positive and inclusive school climate for everyone.

16. Pursuant to 28. U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 8, 2016

By:   
Judy Chiasson

# **EXHIBIT**

**A**

# JUDY CHIASSON, PH.D.

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## EDUCATION

**Doctor of Philosophy in Urban Education**, 2004

*Claremont Graduate University, Claremont, CA*

**Dissertation Topic:** *Lifting the Veil of Heterosexism*, quantitative study on the efficacy of LGBT bias reduction workshops in post-secondary institutions.

Dissertation Committee: Daryl Smith, Lourdes Argüelles, David Drew

**Master of Science in Educational Therapy**, 1995

*College for Developmental Studies, Los Angeles, CA*

**Bachelor of Science in Special Education** 1990

*Florida International University, Miami, FL*

## UNIVERSITY POSITIONS, Adjunct Faculty

Areas of strong experience: building capacity for culturally rich, relevant, responsive and affirming collaborations built on the intersecting denies of birth and life experiences; change leadership in educational settings.

**California State University Los Angeles**, Charter School of Graduate Educational Leadership,

EDAD 536A. Pluralism, Collaboration and Social Justice 2007-2010, 2013, 2015

EDHI 605C. Laboratories of Practice: Community-Based Research with Community Mentor, 2010

Precept for Masters of Social Work Interns, 2007

**University of California Los Angeles Extension**, 2015

EDUC 437.73. Advanced Culture and Inclusion

**University of Southern California**, Rossier School of Education

Masters of Art in Teaching 2010 – 2011

EDUC 519. Human Differences

**Argosy University, Los Angeles**, Doctoral Program in Education, 2008 - 2011

E7233. Organizational Communication

E703. Leading and Managing Change in a Diverse Society

E713. Issues in Higher Education

R7036. Program Evaluation Methods

**Mount Saint Mary's College**, Los Angeles, Department of Education, 2007 - 2008

EDU 252. Diversity and Schools

## Dissertation Committee Member, Doctorate in Education

**California State University Northridge**

Richard Ungerhill, 2013. *FAIR Education Act: Secondary Teachers Respond to Inclusive Curriculum*

**California State University Los Angeles**

Eric Gates, 2012. *Instrumental Case Study of an After School High School Physical Activity Program*

Dickson Perey, 2015. *Understanding Identity and Advocacy Stances Among School Counselors and Gay Fathers Raising School-Aged Children.*

**California State University Fullerton**

Fausto Barragán Jr., 2013. *The Exploration of Information about the Knowledge of LGBT Issues Among Elementary School Principals*

**PROFESSIONAL EXPERIENCE, Los Angeles Unified School District**

Skilled in Appreciative Inquiry, Mediation, Conflict Resolution, Restorative Practices, Communication Skills, Media Relations. Work effectively to build collaboration among multiple stakeholders. Excellent written and oral communication. Strong research and evaluation skills.

**School Operations, Human Relations, Diversity & Equity, Coordinator, 2006 to present**

Part of a team responsible for designing, implementing and evaluating District-wide programs to reduce bullying, bias, hazing and intergroup conflict, resulting in improved staff relations, student achievement and reduction in school violence and District liability.

Leverage expertise in District policies, legal mandates, and bias reduction to ensure that schools are safe, affirming, and violence-free.

Conduct small and large-group trainings for administrators, teachers, counselors and law enforcement about practical, legal and ethical guidelines of bias, discrimination, and bullying, thereby building capacity among leadership staff.

Critical responder in high impact incidents (intergroup conflicts, school violence, deaths due to natural and unnatural causes). Triage operational and mental health interventions for students, staff, parents and community members, thereby restoring school operations following critical incidents, prepare internal briefings and respond to media.

Represent District as primary respondent and author in high profile audits:

- Los Angeles County Civil Grand Jury Performance Audit of the School Discipline and Law Enforcement Policies at Los Angeles Unified School District, 2014
- California State Audit School Safety and Non Discrimination Laws, 2013

***Implementation Methods:***

- Spearhead district's mandate to end bias, bullying, sexual harassment and hazing among students and adults. Oversee the design, acquisition, and delivery of trainings that are evidence based to increase positive school and work engagement.
- Developed resources for students, staff, and parents on sexual orientation, gender identity, sexual harassment, student misconduct, bully, cyber bullying, sex trafficking, religious intolerance, and child abuse.
- Monitor daily incidents to coordinate delivery of resources in critical incidents such as power outages, evacuations, shelter in place, and violence.
- Mediate conflicts between administrators, students, parents, and school/community stakeholders to build cohesive school and work environments.
- Expert testimony before the California Senate and Assembly in support of the District's positions on critical legislation - FAIR Education Act of 2011 (SB 8); Proposition 8, Marriage Equality; Seth's Law of 2012 (AB 9); School Success and Opportunity Act of 2013 (SB1266).
- Represent the school district in numerous print, radio, and television media outlets on matters of inclusive education, bullying, child abuse, LGBTQ concerns, school unrest, intergroup conflicts, social media, sex trafficking, and other timely topics. Conducted over 50 media interviews on transgender inclusion alone.
- Assess school safety climate and conduct needs assessment though collection and analysis of internal and external qualitative and quantitative data from primary and secondary sources (surveys, interviews, observations and crime data, etc.)

- Conduct and facilitate professional development seminars, discussion groups, parent meetings, colloquia and classes targeting causes of intergroup bias, with an emphasis on positive resolution methods.
- Coordinate three large-scale Human Relations Symposia facilitated by local and national leaders on human relations, bias, child abuse, LAUSD students, staff, parents, and community members, up to 1000 participants at each event.
- Coordinate annual large-scale conferences Models of Pride, facilitated by local and national leaders for educators, counselors, and advocates on addressing LGBTQ concerns in educational settings.
- Part of executive committee for landmark collaboration between LAUSD and the Los Angeles LGBT Center to reduce bullying and suicidality, culminating in conference with critical LAUSD and community stakeholders.
- Facilitate multi-agency interventions to address school and community inter-group conflicts, leveraging resources from the ACLU, Museum of Tolerance, Los Angeles City Attorney's Office, LAPD, Anti-Defamation League, UCLA, and Loyola Law School Center for Conflict Resolution.
- Preceptor for Masters of Social Work interns from CSLA and USC. Oversee projects, establish goals, provide mentorship.
- Member of LAUSD Committee for External Research Review, evaluating proposals of external researchers
- Collaborate with university researchers:
  - Peter Theodore, Alliant International University, *The Efficacy of LGBT-Inclusive Curriculum in Reducing Bias and Bullying*
  - Negin Ghavin, UCLA, *Value-Added of Peer Relationships in Reducing LGBTQ-Bias and Bullying*
  - Paul Kwon, Washington State University, and Peter Theodore, Alliant University, *A Resilience Intervention for Sexual Minority Adolescents and Young Adults*.
  - Shabbar Ranapurwala, University of Iowa, *Assessment of Violence Prevention Curricula Programs in Middle and High Schools*.
- Examined and appraised text books, curricula for sensitive and accurate representations of LGBTQ concerns, prior to adoption.
- Authored chapters on sexual orientation and gender identity for middle school and high school text books, thus making LAUSD the first district to adopt inclusive curriculum.
- Spearhead district wide efforts to create cross-disciplinary curricula that are inclusive of sexual orientation and gender identity.

**Educational Equity Compliance, Project 10 Specialist, 2005 – 2006**

Ensured compliance with District mandates requiring bias-free campus practices and minimized liability by ensuring compliance with educational access in accordance with legal guidelines set forth in IDEA, Title IX, Section 504, Title VI, First Amendment, et al.

***Implementation Methods:***

- Responsible for implementation and monitoring of three-year settlement agreement, *Ramirez v. LAUSD* that included, among other requirements, the delivery and evaluation of annual comprehensive LGBT diversity trainings for all community stakeholders at four LAUSD schools.
- Interfaced with state, schools, district offices, attorneys, and advocates on complaints alleging discrimination.

- Coordinated implementation of settlement agreement (Ramirez vs. LAUSD), encompassing forty corrective actions, including annual bias reduction trainings for over 5000 students at targeted high school and feeder middle schools.
- Partnered with University of Southern California to measure efficacy of LGBT bias reduction program. Outcomes showed that 97% of participants showed reduction in bias following outreach.
- Assessed and evaluated District policies prior to implementation to ensure protected-class issues were adequately addressed; outreach to affected communities as necessary, including students, families, school personnel, and community agencies.
- Authored chapters on protected-group and discrimination-related issues, particularly with respect to sexual orientation and gender identity in newly-adopted texts and curricula.

#### **Gays & Lesbians Initiating Dialogue for Equity, cofounder, 1984**

GLIDE is Los Angeles' premier speakers bureau, facilitating hundreds of LGBT-diversity trainings in K-12 classrooms throughout Los Angeles, creating safer more affirming schools for all students. GLIDE is an all-volunteer organization and accomplishes its transformative work through small group dialogues.

#### **CREDENTIALS, CERTIFICATIONS & ADVANCED TRAININGS**

Professional Clear Administrative Credential  
National Board Certified, Exceptional Needs, 2000  
Multiple Subject, K-12, LH, SH, RSP, CLAD  
Loyola Law School Center for Conflict Resolution, 2009  
Master's Program Institute, 2010  
Reasonable Accommodations for Supervisors, 2012  
Child Abuse, 2012  
LAPD Community Police Academy, 2012  
Appreciative Inquiry, 2012, 2013, 2014  
GLSEN LGBT Safe School Initiative Professional Development Facilitator, 2013  
Readiness and Emergency Management for Schools Adult Sexual Misconduct Training, 2012  
Restorative Justice, Council in Schools, August 2013, January 2014  
Commercial Sexual Exploitation of Children (CSEC) Training, 2015  
The Sexual Exploitation and Commercial Sexual Exploitation of Gay Males and Transgender Females, 2016  
Active Shooter Response, 2016

#### **RECOGNITIONS AND AWARDS**

Advocate Magazine, 2010 Outstanding National Educator  
Claremont Graduate University, 2011 Outstanding Leadership  
City of West Hollywood, 2011 Outstanding Leadership, Child Abuse and Neglect Prevention  
Associated Administrators of Los Angeles, 2014 Community Leadership Award

#### ***Expert Witness & Testimony***

**California Senate and Assembly Education Committees, 2013**  
AB 1266 (Ammiano) the School Success and Opportunity Act. Testimonies to Assembly and Senate education committees regarding transgender students.

#### **Los Angeles School Police Department, 2008**

Expert testimony regarding allegations of police harassment based on sexual orientation.

**California Assembly, Judiciary Committees, 2008.**

Proposition 8, Marriage Equality. Testimony regarding Proposition 8's relevance to public school instructional practices.

***Primary or Significant Contributing Author***

**Board Resolutions and Position Statements:**

- LAUSD School Board Resolution to Eliminate, Address and Prevent Commercial Sexual Exploitation of Children (CSEC) in the Los Angeles Unified School District (LAUSD). 2016
- LAUSD School Board Resolution to recognize June as Gay Pride Month, annually, 2009 to date
- LAUSD School Board position statement supporting FAIR Education Act, 2011
- LAUSD School Board position statement supporting marriage equality, Proposition 8, 2008

**Policies and memoranda:**

- Bullying and Hazing Policy (Student-to-Student and Student-to-Adult), 2010, 2012, 2014
- Calendar of Commemorative Dates and Observances, updated annually to recognize religious, cultural and political dates and observances.
- Child Abuse Awareness Policy, 2016
- Guidelines for Sexual Orientation and Gender Identity Inclusive Education, 2014
- Guidelines for Teaching About Religions, 2011, 2014, 2016
- Social Media Policy for Employees and Associated Persons, 2012, 2014
- Social Media Policy for Students, 2016
- Transgender Students – Ensuring Equity and Nondiscrimination, 2004, 2011, 2015
- Workplace Violence, Bullying and Threats (Adult-to-Adult), 2011, 2012

Populate website for Human Relations, Diversity & Equity with policies, resources, instructional activities and educational materials for students, staff, and parents on a full spectrum of human relations concerns, e.g., discrimination, bullying, bias, conflict resolution, restorative practices, culture, race, religion, sexual orientation, gender identity and expression, and differently-abled. <http://humanrelations.lausd.net>

**Editor/Reviewer/Consultant**

Glencoe Publishers, *Health: Making Life Choices*. 2014

*Journal of Homosexuality*, 2012 - present

*Journal of LGBT Youth*, 2009 – present

Los Angeles County Office of Education, *Addressing the Needs of Sexual Minority Youth in Public Education*, 2012-2014

McGraw Hill Publishers, Health education text books for middle and high school, 2011

Public Health Law Research, *Anti-bullying laws: A blueprint for prevention*. June 2015, [www.http://phlr.org](http://phlr.org).

Rutgers University, Online education, *LGBTQ Issues in Schools*

**Publications**

Morgan, E. & Chiasson, J. (2014). Respecting the rights of transgender students. *National School Public Relations Association*, [http://www.nspra.org/e\\_network/2014-02\\_connecting-communities](http://www.nspra.org/e_network/2014-02_connecting-communities)

Chiasson, (2013). Success and Opportunity for Transgender Students. Huffington Post.com Success and Opportunity for Transgender Students. [http://www.huffingtonpost.com/judy-chiasson/success-and-opportunity-for-transgender-students\\_b\\_3744830.html](http://www.huffingtonpost.com/judy-chiasson/success-and-opportunity-for-transgender-students_b_3744830.html)

Chiasson, J. & Sanlo, R. (2013). Putting sexual orientation and gender identity in context: Historical influences and social trends. In E. S. Fisher & K. Komosa-Hawkins (Eds.), *Creating Safe and Supportive Learning Environments: A Guide for Working with Lesbian, Gay, Bisexual, Transgender, and Questioning Youth and Families* (pp. 10-28). New York, NY: Routledge.

Chiasson, J. (2006). Three plaintiffs, nine defendants, twelve allegations. *United Teachers of Los Angeles*

Chiasson, J. (2005). The diversity of human relationships in *Lifetime health: Sexuality and society*, Holt, Rinehart and Winston

Chiasson, J. (2000). Poverty provides wealth of reasons for school's low ranking, *Los Angeles Times*

**Media Spokesperson.** Represent LAUSD in media outreach on topics of bullying, sexting, inclusive education, and LGBTQ concerns

Aljazeera America	Naked Truth Radio, November 2010
Asheville Citizen Times, July 2016	National Public Radio, <i>Talk of the Nation</i> 2010, 2013, 2016
Beverly Press, July 2016	National School Board Association, August 2016
California Educator	NBC Universal
Capital Public Radio	New York Daily News, 2016
CBS	New York Times, 2011, 2014, 2015
Channel 4 News	<i>On These Shoulders We Stand</i> , 2011, documentary on school bullying
CNN, September 2011, July 2013	Orange County Register
Detroit Free Press, July 2016	Out in the 562
EdSource	Profiled by LAUSD Journal, August 2011
Equality Matters	ProPublica
ESPN 2016	Reno Gazette Journal, 2015
Fox News, February 2012, 2013, 2014	Sacramento Bee
Hoy Newspaper	San Diego Reporter
Huffington Post, 2013,	San Gabriel Valley Tribune, 2015
Independent Weekly, 2016	Sheila Kheul Talk Television Show, 2011
John McMullen Radio Show	<i>Teach Your Children Well</i> , documentary on the murder of student Larry King
KCRW, IMRU with Linda Birch, May 2011	Telemundo
KNBC TV	The Daily Breeze, 2016
KPFK Air Talk with Larry Mantle <i>FAIR Education Act</i> , September 2011	The Daily Free Press, 2016
KQED Public Radio	TIME Magazine, 2016 (cover article)
LA Daily News	TransAdvocate, 2015
LA Live, Fox TV Morning Show; August 2011	USA Today, 2016
LA School Report	Wall Street Journal, 2016
LA Times, 2014, 2015, 2016	Whittier Daily News
LaOpinion	Yomiuri Shimbun (Japan)
Los Angeles Times	
Mercury News	

**Represent LAUSD on community partnerships**

Anti Bully Coalition *Founding member*, 2011. Multi-agency collaborations of human relations organizations (LA County and LA City Human Relations; LA County Office of Education; Museum of Tolerance; Anti-Defamation League; et al.).

California Safe Schools Coalition, San Francisco

Children's Hospital, *Connect to Protect Outreach to MSM Youth of Color*  
City of Los Angeles Human Relations LGBT Advisory Council  
Division of Adolescent and School Health (DASH), joint venture of Center for Disease Control and American Psychological Association, Washington, DC  
Foster Care Project, RISE, *June 2011 to present*. Partnership between LAUSD, Foster Services and LA Gay and Lesbian Center to build permanency with LGBT youth in foster care.  
Gay and Lesbian Allied Administrators Association. *Co-founder, 2007*. First LGBT school administrators' association in the nation.  
LAUSD Commission on Human Relations, Diversity and Equity, *2009 to present*. Coordinate the council of twenty commissioners representing all board members, bargaining units, and various community stakeholders in identifying ways to support the District's human relations concerns.  
LGBT Health and Human Services Network  
LGBT Mental Health Disparity Project  
LGBT Youth in Detention, *September 2010 to present*. Established by Loyola Law School to address the concerns of incarcerated youth  
LGBTQ Child Abuse and Neglect Prevention Council, *Founding member, 2008 to present*. First LGBTQ specific Child Abuse and Neglect Council, founded under auspices of LA County Child Abuse and Neglect Council to reduce over representation of LGBTQ children and youth as targets of abuse and neglect.  
Los Angeles County Human Relations Commission  
Los Angeles Police Department (LAPD), Community Relations Cadre, graduate, 2012  
Los Angeles School Police Department LGBT Working Collaborative  
Rainbow Families School Network, *Founder, 2008 to 2010*. First school district-affiliated support group for gay and lesbian parents in the nation.  
Sacramento County Office of Education, California Teacher Recruitment Incentive Program  
Stonewall Project, *February 2013 to present*, inaugural member of national consortium of school districts addressing needs of sexual minority youth.  
Suicide Prevention Intervention Network, SPIN, *Executive Steering Committee, September 2010*  
Partnership between LAUSD, the Los Angeles LGBT Center and community stakeholders to address bullying-related suicides nationwide.  
Youth Advocacy Coalition *Founding member, 2009*. Collaboration of community based organizations serving youth

#### **CONFERENCE ATTENDANCE**

Adult Sexual Misconduct in School, June 2012  
Appreciative Inquiry: Building Cohesive Teams, July 2012  
Changing Minds and Creating Healthy Trauma-Informed Communities, 2016  
Commercial Sexual Exploitation of Children, July 2015  
FBI Hate Crimes Training, July 2011  
LGBT Sports Summit, Nike #BeTrue, 2013, 2014  
Los Angeles County Office of Education Suicide Prevention Summit, "Two Lives a Day Lost in L.A.," September 2012  
Office of Civil Rights, Department of Education, Investigative Training, September 2012  
Commercial Sexual Exploitation of Children, 2015, 2016

LGBTQI2-S TAY: Safe and Welcoming Environments for Youth, 2016

**SELECTED HUMAN RELATIONS PRESENTATIONS AND MEDIATIONS**

**CONFERENCE PRESENTATIONS**

American Bar Association, Working in Partnership to Advocate for LGBTQ Students, Sept. 2011  
American Psychological Association Annual Conference, Washington, DC, August 2011, 2008  
Association of Chief Human Resources and Equal Employment Officers, February 2011  
Black Probation Officers Association, 2008  
California Association of Bilingual Educators, annual conference, 2014, 2016  
California Association of School Psychologists, annual conference, 2013, 2105  
California Federation of Teachers  
California State University at Northridge, Keynote. *Day of Diversity*, Masters in Social Work, 2010  
Center for Anti-Oppressive Education  
Center for Excellence in School Counseling and Leadership (CESCaL), San Diego, 2011, 2010  
Challenge LA, 2016  
Council of Black Administrators, 2012, 2013 Annual Conferences, *Bullying and Hazing: What Administrators Need to Know and Invisible Populations: Sexual Minority Youth of Color*.  
Department of Education, St. Paul, MN, July 2010  
Educational Books and Materials Association, annual conference, 2016  
EDGY Child Abuse Conference, October 2011, 2015  
Education Law Conference, *From the Courtroom to the Classroom: Looking at the Future of Urban Education*, 2007, sponsored by LAUSD General Counsel  
Gay Lesbian Straight Educators Network  
HIV/AIDS Conference, March 2011  
International Criminal Justice & Diversity Symposium  
Jacksonville Sexual Minority Youth Conference, *keynote*, JASMYN, 2012, 2013  
LA County Office of Affirmative Compliance  
LA County Office of Education, School Psychologists, 2007, 2008  
LA County Office of Education, Learning Communities, 2015  
LAUSD Annual Parent Summit, 2011, 2010, 2009, 2008  
LAUSD Health Teachers: *Teaching to the Text*, 2008, 2009, 2010  
LAUSD District-wide, Protecting Students from Sexual Abuse, 2012  
LAUSD Pupil Services and Attendance Counselors, November 2010, January 2011, April 2011  
LGBT Child Abuse Conference, panelist and workshop facilitator, sponsored by LA County Child Abuse and Neglect Conference, 2009, 2010  
Models of Pride, full day conference for educators, annually since 2005  
Museum of Tolerance, Freedom's Sisters, September 2011  
National Association of School Board Administrators, 2013 Annual Conference, *Addressing the needs of transgender students in public education*.  
National Association of School Safety and Law Enforcement Officials, July 2016 Annual conference, *Safe & Affirming Schools for LGBT Students*  
National Gay and Lesbian Task Force  
National LGBT Bar Association, Lavender Law Annual Conference, September 2011  
New Principals Conference, March 2011  
Network Against Hate, LA County Commission on Human Relations, 2015  
NEXUS Conference, Inter-Agency Council on Child Abuse and Neglect, Violence Within the Home and its Effects on Children, *Bullying or Harmless Teasing*. 2008, 2009, 2010  
Parent Community Services Branch  
Parent Empowerment Providers, *Transforming our Communities*  
Principals Training, LD 5, March 2011  
Ready to Learn: Helping Students Survive and Thrive, 2008, 2009, and 2010

School Counselors, LD 1, February 2011  
School Psychologists, Support Units central and west, March 2011  
Stonewall Education Project National conference, 2012, 2013, 2014, 2015  
Summit on Equal Protection and Civil Rights for Students  
Teaching Respect for All Conference, University of North Florida, keynote October 2011, 2013  
United Teachers of LA, *Achieving Equity Conference*  
Ventura County Office of Education, 2014, 2015  
White House Bullying Summit on Transgender and Muslim Students, August 2016

#### COMMUNITY AND GOVERNMENT ORGANIZATIONS

California State Park Rangers  
Children's Hospital Adolescent Services  
City of Santa Monica  
Hilton Hotels, Guest Relations staff  
Internal Revenue Service  
LA Police Department  
Los Angeles Unified School Board  
Los Angeles School Police  
LA County Human Relations Commission  
LA City Human Relations Commission  
Paraprofessionals Annual State Conference,  
2010  
Penny Lane Foster Parents  
Planned Parenthood of Los Angeles  
Posse Foundation  
Museum of Tolerance, *Tools for Tolerance*,  
regular presenter  
UCLA Medical Group  
United Universalist Church  
White Memorial Hospital

#### PROFESSIONAL AUDIENCES

Early Education Teachers  
LAUSD Beginning Teachers Academy  
LAUSD Parent Educators  
LAUSD School Mental Health  
Options Principals  
Paraprofessional Annual Conferences  
Principals Academy, September 2011  
SPIN Conference, June 2011  
Student Discipline and Expulsion Unit,  
September 2011  
Teach for America  
Teacher Training Academy, December, 2011;  
March 2011

#### STUDENTS, STAFF, PARENTS K-12

Amino High School  
Audubon Middle School  
Avalon High School, June 2011  
Braddock Elementary, October 2011  
Bancroft Elementary School, April 2011;  
March 2011  
Beachy Elementary School  
Belmont High School, December 2010  
Berendo Middle School  
Birmingham High School  
Broadway Elementary  
Canoga High School  
Canyon Elementary  
Charter School of Education  
Chatsworth Charter High School  
Clay Middle School  
Cleveland High School  
Daniel Pearl Magnet  
Drew Middle School  
East Valley High School, every semester  
since 2008  
El Dorado Elementary School  
El Sereno Middle School  
Esperanza Middle School  
Euclid Elementary School  
Fairfax High School, June 2011  
Fleming Middle School, January 2011  
Franklin High School, June 2011  
Freemont High School, December 2010  
Frost Middle School  
Garfield High School, November 2010  
Gassell Middle School, October 2011  
Hamilton High School  
Hart Middle School  
Hobart Elementary School  
Horace Mann Middle School, January 2011  
Ivanhoe Elementary, March 2011  
Jefferson High School, November 2010  
King Elementary School  
King Starr Middle School, January 2011,  
October 2011  
LA Center for Enriched Studies  
Langdon Elementary, February 2011,  
October 2010  
Laurel School, March 2011  
Lawrence Middle School, December 2010

Lennox Middle School, January 2011  
Liechty Middle School, January 2011  
Lincoln High School  
Los Angeles Academy  
Los Angeles High School, June 2011  
Mann Middle School, March 2011  
Marina Del Rey Middle School  
Mayberry Elementary School, March 2011  
Miguel Contreras Learning Center  
Monroe High School  
Nimitz Elementary, April 2011  
Nobel Middle School, November 2010,  
March 2011  
Omelveny Elementary School, February 2011  
Phoenix Continuation  
Roosevelt High School, 2010, February 2012,  
March 2012  
San Fernando High School  
San Fernando Middle School, February 2011  
San Pedro High School, September 2001,  
Santee Learning Complex  
Serrania Elementary School, Students,  
November 2011  
Sherman Oaks Elementary Charter  
Sun Valley High School, June 2011  
Sun Valley Magnet, 2016  
Sunny Brae Elementary School, February  
2011  
Taft High School, every semester since 2007  
Tarzana Elementary School, September 2001  
Third Street Elementary  
Thoreau CDS, December 2010  
University High School  
Valley Alternative High School  
Van Nuys High School, March 2011  
Wadsworth Elementary  
Washington Prep High School  
Webster Middle School  
Westchester High School, June 2011  
Westport Elementary School

Wiltern Place Elementary School  
Wooden High School  
Woodlake Elementary, September 2011

**POST-SECONDARY ACADEMIC INSTITUTIONS:**

Antioch College  
Argosy University  
Azusa Pacific College  
Cal State Dominguez Hills  
Cal State University, Fullerton, July 2013  
CSUN Teacher Preparation, April 2011  
CSUN, School of Social Work, 2011, 2012  
California Lutheran College  
California School of Professional  
Psychology, June 2011, August 2012  
Chapman College  
Claremont Graduate University, every  
semester since 2008  
CSLA, School Counselors, November 2011,  
2012; March 2011, 2012, 2013  
East Los Angeles College  
Grinnell College, Iowa, 2008  
Los Angeles Valley College  
Loyola Marymount University, 2011, 2012  
Moorpark College  
National University  
Occidental College  
Pasadena City College  
Pepperdine University, regular presenter  
Phillips Graduate Institute  
Principals Academy, September 2011  
Santa Monica College, regular presenter  
Stetsun University, Sanford, FL, 2012  
Torrance Unified School Board  
UCLA, Law School, October 2011  
UCLA, School of Social Work, November  
2011,  
USC, School of Social Work, August 2011,  
November 2011

# **EXHIBIT**

## **B**



LOS ANGELES UNIFIED SCHOOL DISTRICT  
POLICY BULLETIN

**TITLE:** Transgender Students -  
Ensuring Equity and Nondiscrimination  
**NUMBER:** BUL-6224.0  
**ISSUER:** David Holmquist, General Counsel  
Office of General Counsel  
**DATE:** February 7, 2014

**ROUTING**  
Superintendent  
Sr. Deputy Superintendent  
Asst. Deputy  
Superintendent  
Administrator of  
Operations  
Operations Coordinator  
ESC Superintendents  
Administrators of  
Instruction  
Principal Leaders  
Principals  
All Employees

**PURPOSE:** The Los Angeles Unified School District (District) is committed to providing a safe and supportive learning environment for all students and to ensuring that every student shall have equal access to the District's educational programs and activities. Additionally, District policy requires that all schools and all personnel promote acceptance and respect among students and staff.

This policy reflects the reality that transgender and gender nonconforming students are enrolled in the District. Its purpose is to advise District staff regarding issues relating to transgender students in order to create and maintain a safe learning environment for all students. The guidelines provided in this Bulletin do not anticipate every situation that might occur with respect to transgender students. The needs of each transgender student are unique. This policy should be interpreted consistent with the goals of reducing stigmatization and ensuring the integration of transgender students in educational programs and activities.

California Education Code §210.7 states that 'gender means sex,' and includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

California Education Code §220 and District policy require that all educational programs and activities should be conducted without discrimination based on actual or perceived sex, sexual orientation, or gender identity and expression.

California Education Code §201 provides that public schools have an affirmative obligation to combat sexism and other forms of bias, and a responsibility to provide an equal educational opportunity to all students.

Title IX of the Education Amendments of 1972 states, "No person...shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be



LOS ANGELES UNIFIED SCHOOL DISTRICT  
POLICY BULLETIN

---

subjected to discrimination under any education program or activity receiving federal financial assistance.”

This Bulletin provides guidelines to ensure protection, respectful treatment, and equal access to educational programs and activities for transgender students.

**MAJOR CHANGES:** This Bulletin replaces REF-1557.1, “Transgender and Gender Variant Students - Ensuring Equity and Nondiscrimination,” dated September 9, 2011, issued by the Office of General Counsel. It provides updated information and guidance to schools regarding issues related to transgender students.

**INSTRUCTIONS:** I. Definitions - The following definitions are not meant to label, but are intended as functional descriptors:

- A. Gender: a person's actual sex or perceived sex, and includes a person's perceived identity, appearance, or behavior, whether or not that identity, appearance or behavior is different from that traditionally associated with a person's sex at birth [Title 5, California Code of Regulations, §4910(k)].
- B. Gender Identity: a person's internal, deeply rooted identification as female, male or a non-binary understanding of gender, regardless of one's assigned sex at birth. The responsibility for determining an individual's gender identity rests with the individual.
- C. Gender Expression: A person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. Students who adopt a presentation that varies from the stereotypic gender expectations sometimes may describe themselves as gender nonconforming, gender queer, or gender fluid.
- D. Gender Nonconforming: Displaying a gender identity or expression that may differ from those typically associated with one's sex assigned at birth. A person's gender expression may differ from stereotypical expectations about how females and males are “supposed to” look or act. Gender nonconforming is not synonymous with transgender; not all gender nonconforming students identify as transgender.
- E. Transgender: A person whose gender identity differs from their gender assigned at birth, and whose gender expression consistently varies from stereotypical expectations and norms. A transgender person desires to live persistently by a gender that differs from that which was assigned at birth.
- F. Transition: Each transgender person has a unique process in which they go from living and identifying as one gender to living and identifying as another. Gender transition can occur at any age. It begins internally then



## LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

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expands to external expression. This can include social, medical and/or a legal transition.

G. **LGBTQ**: An acronym that stands for “lesbian, gay, bisexual, transgender, and queer/questioning.” Questioning incorporates those who are uncertain or fluid about their sexual orientation and/or gender identity.

H. **Sex**: The biological condition or quality of being female or male.

I. **Sexual Orientation**: A person’s emotional and sexual attraction to another person based on the gender of the other person. Common terms used to describe sexual orientation include, but are not limited to, heterosexual, lesbian, gay, and bisexual. Sexual orientation and gender identity are different.

### II. Guidelines

The school shall accept the gender identity that each student asserts. There is no medical or mental health diagnosis or treatment threshold that students must meet in order to have their gender identity recognized and respected. The assertion may be evidenced by an expressed desire to be consistently recognized by their gender identity. Students ready to socially transition may initiate a process to change their name, pronoun, attire, and access to preferred activities and facilities. Each student has a unique process for transitioning. The school shall customize support to optimize each student’s integration.

#### A. Privacy and Confidentiality

1. All persons, including students, have a right to privacy. This includes keeping a student’s actual or perceived gender identity and expression private. Such private information shall be shared only on a need to know basis.
2. Students have the right to openly discuss and express their gender identity and expression, and to decide when, with whom, and how much information to share.
3. District and school personnel may encounter situations where transgender students have not disclosed their transgender status. School personnel must be mindful of the confidentiality and privacy rights of students when communicating with others, so as to not reveal, imply, or refer to a student’s gender identity or expression.



LOS ANGELES UNIFIED SCHOOL DISTRICT  
POLICY BULLETIN

---

4. To ensure confidentiality when discussing a particular concern such as conduct, discipline, grades, attendance, or health, school personnel's focus should be specifically school-related and not on the student's gender identity or expression.

**B. Official Records**

1. The District is required to maintain in perpetuity mandatory permanent pupil records ("official records") which include the legal name of the student and the student's gender as indicated on official government issued documents such as birth certificates, passports and identification cards/permits. The official records may include but are not limited to progress and grade reports, transcripts, assessment data, health records, discipline records, Individualized Education Programs (IEP), Section 504 Plans and the cumulative card and file (folder).
2. The District will change a student's name and gender on official records when the name of the student is changed by the appropriate court action, such as by a change of name proceedings. The new name is the official legal name of the student for all purposes, including school registration. Upon the submission of proper evidence of the court order, the student's official name and gender in all school records shall be changed to reflect the legal name change.

**C. Unofficial Records**

1. The District shall permit a student to use a preferred name and gender on unofficial records. The unofficial records may include but are not limited to identification badges, classroom and homeroom rosters, certificates, programs, announcements, office summons and communications, team and academic rosters, diplomas, newspapers, newsletters, yearbooks and other site-generated unofficial records. The preferred name shall also appear on the student's cumulative folder (official record) as "Also Known As" (AKA).
2. The District shall input the student's preferred name and gender in the appropriate fields of the District's electronic data system to indicate how the student's name and gender will appear on unofficial records.
3. The District shall permit a student or parent/legal guardian to request a change of name and/or gender so that a student may be registered in school under a name and gender that corresponds with the student's gender identity without obtaining a court order or without



## LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

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changing the student's official records (See "Names of Pupils for Purposes of School Records," BUL-5703.1, dated February 27, 2012, issued by the Office of Data and Accountability).

4. After the school receives and verifies the contents of the completed form, the school shall change the name and/or gender of the student in the District's electronic data system and enter the preferred name as AKA in the cumulative folder. In the cumulative folder and registration card, name and gender should be cross-referenced.

### D. Names/Pronouns

1. Students shall be addressed by the name and pronoun that corresponds to their gender identity asserted at school without obtaining a court order, changing their official records or obtaining parent/legal guardian permission.
2. Students shall be known by their name and gender of identity. However, there may be situations (e.g., communications with the family, official state or federal records, and assessment data) where it may be necessary and recommended for staff to be informed of the student's legal name and gender. In these situations, staff should prioritize the safety, confidentiality, and respect of the student in a manner that affirms the law.
3. If school personnel are unsure how a student wants to be addressed in communications to the home or in conferences with parents/legal guardians, they may privately ask the student. For communications with a student's parent/legal guardian, school personnel should refer to this policy's prior section on "Privacy and Confidentiality."
4. Every effort should be made to use the preferred names and pronouns consistent with a student's gender identity. While inadvertent slips or honest mistakes may occur, the intentional and persistent refusal to respect a student's gender identity is a violation of District policy.

### E. Restroom Accessibility

1. Schools may maintain separate restroom facilities for male and female students. Students shall have access to restrooms that correspond to their gender identity asserted at school.
2. If a student desires increased privacy, regardless of the underlying reason, the administrator shall make every effort to provide the



## LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

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student with reasonable access to an alternative restroom such as a single-stall restroom or the health office restroom. The use of a restroom should be determined by the student's choice; no student shall be compelled to use an alternative restroom.

3. Administrators may take steps to designate single stall "gender neutral" restrooms on their campus.

### **F. Locker Room Accessibility**

1. Schools may maintain separate locker room facilities for male and female students. Students shall have access to the locker room facility that corresponds to their gender identity asserted at school.
2. If there is a request for increased privacy, *any* student shall be provided access to a reasonable accommodation such as:
  - a. Assignment of a student locker in near proximity to the coaches' office or a supportive peer group.
  - b. Use of a private area within the public area of the locker room facility (e.g. nearby restroom stall with a door or an area separated by a curtain).
  - c. Use of a nearby private area (e.g. nearby restroom or a health office restroom).
  - d. A separate changing schedule.

### **G. Sports, Athletics, and Physical Education**

1. Physical education classes are typically co-gender. In the event that the classes or activities are sex-segregated, transgender students shall participate in physical education by their gender identity asserted at school.
2. When conducting physical education classes and fitness evaluations, the teacher will address and evaluate the student by their gender of identity. Performance on the state physical fitness test (Fitnessgram) is evaluated by the State of California in accordance with the sex reported on the student's initial enrollment, even when the student identifies as transgender. In these events, the physical education teacher shall make every effort to maintain confidentiality of student information.
3. Participation in competitive athletics, intramural sports, athletic teams, competitions, and contact sports shall be facilitated in a manner consistent with the student's gender identity asserted at



LOS ANGELES UNIFIED SCHOOL DISTRICT  
POLICY BULLETIN

---

school and in accordance with the California Interscholastic Federation bylaws (Gender Identity Participation, 300.D, page 56).

**H. School Activities and Programs**

Students have the right to equitable access to activities and programs in their school. Students may not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination on the basis of gender identity in any program or activity. These activities and programs may include but are not limited to cheer class, homecoming, prom, spirit day, celebrations, assemblies, acknowledgments, after school activities/programs and all extra-curricular activities.

**I. Course Accessibility and Instruction**

Students have the right to equitable learning opportunities in their school. Students shall not be required to take and/or be denied enrollment in a course on the basis of their gender identity in any educational and academic program.

**J. Dress Codes/School Uniform Policies**

1. A school's dress code and school uniform policy shall be gender-neutral. Schools cannot enforce specific attire based on gender.
2. Students have the right to dress in accordance with their gender identity within the parameters of the dress code, as it relates to the school uniform or safety issues (e.g., prohibiting attire that promotes drugs or violence, or is gang-affiliated).

**K. Student Safety**

1. School staff must ensure that students are provided with a safe school environment that is free of discrimination, harassment, bullying and/or intimidation.
2. School staff and families should work together to resolve complaints alleging discrimination, harassment, bullying and/or intimidation based on a student's actual or perceived gender identity or expression. Complaints of this nature are to be handled in the same manner as other complaints. Consideration should be given as to whether a Sexual Harassment investigation is warranted. [See the "Related Resources" and the "Assistance" sections of this Bulletin and BUL-3349.0, Sexual Harassment Policy (Student-to-Student,



LOS ANGELES UNIFIED SCHOOL DISTRICT  
POLICY BULLETIN

---

Adult-to-Student, and Student-to-Adult, dated November 29, 2006, issued by the Office of General Counsel).]

3. School staff shall take all reported incidents of bullying seriously and take appropriate measures to ensure that the bullying stops. [See BUL-5212.1 *Bullying and Hazing Policy (Student-to-Student and Student-to-Adult)*, dated September 17, 2012, issued by the Office of the Superintendent].
4. School administration shall respond immediately to incidents of discrimination, harassment, bullying and/or intimidation by taking actions that include, but are not limited to the following: a) intervening to stop the behavior; b) investigating and documenting the incident; c) determining and enforcing appropriate corrective actions; and d) monitoring to ensure that the behavior does not reoccur.
5. School staff should take all reasonable steps to ensure safety and access for transgender and gender nonconforming students at their school. School staff shall support students' rights to assert their gender identity and expression.
6. Students shall not be disciplined solely on the basis of their actual or perceived gender identity or expression.
7. Students shall be informed that they have the responsibility to report situations/incidents of discrimination, harassment, bullying and/or intimidation to the designated site administrator or Title IX/Bullying Complaint Manager in cases where they may be a target or witness.
8. Students shall be informed of their role in ensuring a school environment that is free from discrimination, harassment, bullying and/or intimidation. Students should consider how others may perceive or be affected by their actions and words.



LOS ANGELES UNIFIED SCHOOL DISTRICT  
POLICY BULLETIN

---

**RELATED  
RESOURCES:**

- *Bullying and Hazing Policy (Student-to-Student and Student-to-Adult)*, BUL-5212.1, dated September 17, 2012, issued by the Office of the Superintendent
- *Calendar of Commemorative Dates and Observances*, MEM 5466.3, issued annually by the Office of the Superintendent
- *Code of Conduct with Students - Distribution and Dissemination Requirement*, BUL-5167.0, dated July 1, 2010, issued by the Office of the Superintendent
- *Organizing for Crisis Intervention*, BUL-962.1, dated December 7, 2005, issued by the Office of the Chief Operating Officer
- *Discipline Foundation Policy: School-Wide Positive Behavior Support*, BUL-3638.0, dated March 27, 2007, issued by Educational Services
- *Educating for Diversity*, LAUSD Board Resolution, passed March 16, 1992
- *Ethics Policies*, BUL-4748.0, dated May 18, 2009, issued by the Office of the Superintendent
- *Fair, Accurate, Inclusive and Respectful (FAIR) Education Act*, BUL-5898.0, dated October 9, 2012, issued by Office of Curriculum, Instruction and School Support
- *Gold Book*, Los Angeles City Section, California Interscholastic Federation, “Gender Identity Participation”, 300.D, page 56, dated July 24, 2013
- *Guidelines for Student Suspensions*, BUL-5655.2, dated August 19, 2013, issued by School Operations
- *Incident System Tracking Accountability Report (ISTAR)*, BUL-5269.2, dated July 10, 2013, issued by School Operations
- *Intra-district Permits and Student Transfers in Elementary and Secondary Schools*, BUL-5347.1, dated June 10, 2013, issued by Office of the Superintendent
- LGBT and Sexual Orientation Anti-Bullying Resolution, LAUSD Board Resolution, passed September 13, 2011
- *LGBT Resource Guide*, dated September 2013, issued by the Educational Equity Compliance Office



LOS ANGELES UNIFIED SCHOOL DISTRICT  
POLICY BULLETIN

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- *Names of Pupils for Purposes of School Records*, BUL-5703.1, dated February 27, 2012, issued by Office of Data and Accountability
- *Nondiscrimination Required Notices*, MEM 5818.1 issued annually by the Office of General Counsel
- *Opportunity Transfers (OTs) Policy*, BUL-4478.0, dated December 15, 2008, issued by the Chief Academic Officer
- *Physical Education Programs, Grades K-12*, BUL-2528.1, dated December 21, 2009, issued by Office of Curriculum, Instruction and School Support
- *Responding to and Reporting Hate-Motivated Incidents and Crimes*, BUL-2047.0, dated October 10, 2005, issued by the Office of General Counsel
- *Sex Equity in Physical Education Programs*, BUL-1826.0, dated August 5, 2005, issued by Secondary Instructional Services
- *Sexual Harassment Policy (Student-to-Student, Student-to-Adult, Adult-to-Student)*, BUL-3349.0, dated November 29, 2006, issued by the Office of General Counsel
- *Student Dress Codes/Uniforms*, BUL-2549.1, dated December 15, 2009, issued by the Office of the Chief Operating Officer
- *Title IX Policy/Complaint Procedures*, BUL-2521.1, dated June 7, 2006, issued by the Office of General Counsel
- *To Enforce the Respectful Treatment of All Persons*, LAUSD Board Resolution, passed October 10, 1988
- *Uniform Complaint Procedures (UCP)*, BUL-5159.2, dated February 1, 2013, issued by the Office of the General Counsel.

**AUTHORITY:** Title IX of the Education Amendments of 1972, 42 U.S.C. 1681  
Title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c et seq  
California Education Code Sections § 201, § 210.7, § 220, and § 231  
“Gold Book,” Los Angeles City Section, California Interscholastic Federation

**ASSISTANCE:** For further information:

- California Interscholastic Federation, at (818) 767-0800
- Data and Accountability, at (213) 241-2460
- Educational Equity Compliance Office, at (213) 241-7682
- Health Education Programs, at (213) 241-3570

BUL-6224.0

Office of General Counsel

February 7, 2014

Page 10 of 11



LOS ANGELES UNIFIED SCHOOL DISTRICT  
POLICY BULLETIN

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- Human Relations, Diversity and Equity, at (213) 241-5337
- Interscholastic Athletics, at (213) 241-5847
- Office of General Counsel, Education Legal Services, at (213) 241-7600
- Physical Education, at (213) 241-4556
- School Mental Health, at (213) 241-3841
- School Operations, at (213) 241-5337
- School Police, at (213) 625-6631
- Suicide Prevention, at (213) 241-3516

# **EXHIBIT**

**C**

**Assembly Bill No. 1266**

**CHAPTER 85**

An act to amend Section 221.5 of the Education Code, relating to pupil rights.

[Approved by Governor August 12, 2013. Filed with  
Secretary of State August 12, 2013.]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1266, Ammiano. Pupil rights: sex-segregated school programs and activities.

Existing law prohibits public schools from discriminating on the basis of specified characteristics, including gender, gender identity, and gender expression, and specifies various statements of legislative intent and the policies of the state in that regard. Existing law requires that participation in a particular physical education activity or sport, if required of pupils of one sex, be available to pupils of each sex.

This bill would require that a pupil be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records.

*The people of the State of California do enact as follows:*

SECTION 1. Section 221.5 of the Education Code is amended to read:

221.5. (a) It is the policy of the state that elementary and secondary school classes and courses, including nonacademic and elective classes and courses, be conducted, without regard to the sex of the pupil enrolled in these classes and courses.

(b) A school district may not prohibit a pupil from enrolling in any class or course on the basis of the sex of the pupil, except a class subject to Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2.

(c) A school district may not require a pupil of one sex to enroll in a particular class or course, unless the same class or course is also required of a pupil of the opposite sex.

(d) A school counselor, teacher, instructor, administrator, or aide may not, on the basis of the sex of a pupil, offer vocational or school program guidance to a pupil of one sex that is different from that offered to a pupil of the opposite sex or, in counseling a pupil, differentiate career, vocational, or higher education opportunities on the basis of the sex of the pupil counseled. Any school personnel acting in a career counseling or course selection capacity to a pupil shall affirmatively explore with the pupil the

possibility of careers, or courses leading to careers, that are nontraditional for that pupil's sex. The parents or legal guardian of the pupil shall be notified in a general manner at least once in the manner prescribed by Section 48980, in advance of career counseling and course selection commencing with course selection for grade 7 so that they may participate in the counseling sessions and decisions.

(e) Participation in a particular physical education activity or sport, if required of pupils of one sex, shall be available to pupils of each sex.

(f) A pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records.

O